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ABSTRACT

Volume 7 of the 19-volume Highway Safety Program Manual (which provides guidance to State and local governments on preferred highway safety practices) focuses on traffic courts, their purpose and objectives. Federal authority in the area of traffic courts are described. Program development and operations (a study of courts trying traffic cases, a comprehensive traffic courts plan, implementation of the plan, and additional plans for effective traffic courts) are presented. Criteria and procedures for program evaluation are outlined. Different types of reports (on traffic courts, on program evaluation, and for the National Highway Traffic Safety Administration) are described. Local government participation is outlined. Appendixes contain the Highway Safety Program Standard Seven, Traffic Courts; a glossary of definitions; references; a list of representative projects; and a list of resource organizations. (NH)

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Highway Safety Program Manual NO. 7

Traffic Courts

OCTOBER 1974

U.S. DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

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HIGHWAY SAFETY PROGRAM MANUAL

VOLUME 7

TRAFFIC COURTS

This manual is designed as a guide for States and their political subdivisions to use in developing highway safety program policies and procedures. It does not supersede the requirements of Highway Safety Program Standard No. 7.

FOREWORD

As part of the Highway Safety Program Manual, this volume is designed to provide guidance to State and local governments on preferred highway safety practices. Volumes comprising the Manual are:

0. Planning and Administration
1. Periodic Motor Vehicle Inspection
2. Motor Vehicle Registration
3. Motorcycle Safety
4. Driver Education
5. Driver Licensing
6. Codes and Laws
7. Traffic Courts
8. Alcohol in Relation to Highway Safety
9. Identification and Surveillance of Accident Locations
10. Traffic Records
11. Emergency Medical Services
12. Highway Design, Construction, and Maintenance
13. Traffic Engineering Services
14. Pedestrian Safety
15. Police Traffic Services
16. Debris Hazard Control and Cleanup
17. Pupil Transportation Safety
18. Accident Investigation and Reporting

The volumes of the Manual supplement the Highway Safety Program Standards and present additional information to assist State and local agencies in implementing their highway safety programs.

The content of the volumes is based on the best knowledge currently available. As research and operating experience provide new insights and information, the Manual will be updated.

The volumes of the Highway Safety Program Manual deal with preferred highway safety practice and in no way commit the Department of Transportation to funding any particular program or project.

Many expert organizations and individuals at all levels of government and in the private sector contributed heavily in the preparation of the volumes of the Manual. The Department appreciates greatly this help in furthering the national program for improving highway safety for all Americans.

U.S. DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

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Par. I. Introduction
II. Purpose
III. Specific Objectives

I. INTRODUCTION

Because of the mobility of our society, the work of traffic courts affects the lives of most Americans either directly or indirectly. It is important that these courts operate with fairness and efficiency. This can best be achieved through the establishment of an effective traffic court system in each State. In addition to its importance in furthering highway safety, an effective system can also enhance the general respect for law throughout the country.

A. Report No. 1700, House of Representatives, 89th Congress, 2d Session, p. 19, recognized the importance of improving traffic court systems:

> "The States must reappraise and review their traffic court systems. Traffic courts should be a regularly established part of the State judicial system, with full-time judges and staffs, assigned quarters, and operating procedures which ensure reasonable availability of court services for alleged offenders. No traffic court or any of its personnel should be financially dependent upon any fee system, fines, costs, or other revenue resulting from processing violations of motor vehicle laws, and strict accounting procedures regarding collection of fees, fines, and costs should be instituted."

B. As a means of accomplishing these objectives, the State should assure that traffic cases will be processed in

accordance with the best principles of the administration of justice. Application of and adherence to these principles will contribute to traffic courts being an effective element in each State's highway safety program.

II. PURPOSE

A. Effective traffic court systems.

The purpose of the Traffic Courts Program is to provide the State with meaningful guidelines for the development of an effective traffic court system. These guidelines are designed to promote not only greater uniformity of legislation, court rules, and judicial decisions within the State and among the several States but also to assure advancement of prompt and impartial adjudication of proceedings involving alleged violators of traffic laws.

B. Reporting convictions for moving traffic violations.

The specific objective set forth in the Standard is that the State in cooperation with its political subdivisions and their respective traffic courts should develop and implement a plan to ensure that all convictions for moving traffic violations are reported to the State traffic records system, particularly for the State's driver records.

III. SPECIFIC OBJECTIVES

The series of specific program recommendations outlined in the Standard are set forth as conditions of judicial administration which the State should consider in the review, analysis, and evaluation of its traffic court system. Each of the following program elements should be considered inherent parts of any proposed State plan to promote the effectiveness of its traffic courts:

A. All individuals charged with moving hazardous traffic violations should be required to appear in court.

B. Traffic courts should be financially independent of any fee system, fines, costs, or other revenues produced from processing violations of traffic laws.

C. The availability of court services should be expanded for a better administration of justice for alleged traffic law offenders.

D. Efforts to achieve greater uniformity in business administration should be undertaken.

E. Uniform rules governing court procedure in traffic cases should be adopted.

F. Manuals and guides for court administration, procedures, and accounting should be developed and distributed to all courts having traffic case jurisdiction.

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The authority for the Highway Safety Program is vested in the Secretary of Transportation in accordance with Chapter 4 of Title 23, U. S. C. (hereinafter referred to as the Highway Safety Act of 1966). Section 402(a) states that:

> ". . . uniform standards shall be promulgated by the Secretary so as to improve driver performance . . . and to improve pedestrian performance."

Pursuant to the requirements of the Highway Safety Act of 1966, the Secretary issued Highway Safety Program Standard 7, Traffic Courts. The Standard appears as Appendix A of this volume.

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CHAPTER	III. GENERAL POLICY	October 1974

Par. I. Introduction
II. Policies

I. INTRODUCTION

The general policy of the Department of Transportation is that the records of each traffic court within the State relating to convictions, forfeitures of bail, or any action equivalent thereto, should be a part of the State central traffic records system, particularly of the driver records.

II. POLICIES

The Department of Transportation subscribes to the policy that every court within a State trying traffic cases should be an integral part of a Statewide judicial system. This policy, established in the Standard, includes but is not limited to, the following:

A. The State should develop and implement a plan of judicial supervision and administration of all courts within the State having jurisdiction over traffic offenses.

B. The State should assure that the responsibility for supervision and administration of every court within the State is vested in the highest judicial authority of the State.

C. The State should provide leadership in development of a coordinated and uniform plan for upgrading the State traffic court program. All traffic-court-related subelement plan activities should be coordinated with the State Court Administrator or the State Judicial Council or its equivalent prior to approval by the Governor and submission to NHTSA.

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Par. I. Study of Courts Trying Traffic Cases
II. Comprehensive Traffic Courts Plan
III. Implementation of Traffic Courts Program
IV. Additional Plans to Achieve Effective Traffic Courts

I. STUDY OF COURTS TRYING TRAFFIC CASES

To ascertain the current status of traffic court procedure and administration and to establish a base for the development of an effective traffic courts program, a comprehensive review of traffic courts should be conducted.

A. A statewide traffic court study should, as a minimum, involve both an overall system analysis as well as a practical statistical documentation of individual court caseload and case dispositions.

B. Judicial statistics should include, but not be limited to, the caseload of each court and offense recidivism rates.

C. The Governor's Representative/program manager should be responsible for ensuring that the State initiates a special study of all courts within its political jurisdiction trying traffic cases.

D. Since there are relatively few courts which are called traffic courts by actual title, a comprehensive Statewide examination and review should include, but not necessarily be limited to, the following study elements:

1. Identification of all courts, regardless of name, having authority to hear, determine, and adjudicate traffic cases,

indicating whether there is a Statewide judicial system and, if so, whether all courts trying traffic cases are integral parts of that system.

2. Outline of the scope of jurisdiction of certain courts over traffic cases with respect to:

   a. Territorial jurisdiction.

   b. Jurisdiction over the person charged.

   c. Jurisdiction over the subject matter (i.e., types of cases not limited to traffic).

   d. Range of available penalties.

3. Authority for and extent of judicial supervision by the highest judicial authority in the State, indicating whether:

   a. In fact such authority does administer and supervise all courts within the State.

   b. There is an established and funded office of State court administration within the State.

   c. There is a State court administrator for all courts in the State.

   d. This office provides supervision and administration of traffic courts.

4. Development and adoption of uniform rules governing procedures in traffic cases.

5. Inventory of court facilities and other operating quarters.

6. Review of the method of selection, qualifications, and availability of traffic court personnel.

7. Existence or nonexistence of manuals and guides for court procedure, administration, and accounting.

8. Judicial policy on mandatory personal court appearance by defendants charged with moving hazardous traffic violations.

9. Procedures followed when a person fails to appear in court after having been charged with a moving traffic violation.

10. Policies on requesting the State driver licensing agency to transmit certification of prior convictions of traffic law violators.

11. Range of available penalties in those courts having jurisdiction over traffic offenses.

12. Policies and procedures on reporting convictions for moving traffic violations as well as for bail forfeiture and failure to appear.

13. Judicial statistics including, but not necessarily limited to, the caseload of each court.

14. Financial aspects of traffic courts, including sources of funds, costs of operation, and disposition of revenue.

15. Training required (or available) for all personnel, judicial and otherwise, assigned to traffic courts.

II. COMPREHENSIVE TRAFFIC COURTS PLAN

An analysis by the State of the findings of the special study concerning all courts within its political jurisdiction trying traffic cases should provide the State with the foundation necessary for a meaningful determination of its traffic court needs. From such an analytical base, the State should develop an effective traffic courts program designed to achieve the purpose of the Standard. To work toward the development and implementation of an effective traffic courts program, the State should consider incorporating basic program elements into its comprehensive Statewide plan. If any of these traffic court needs are already an integral part of the State traffic court procedure and administration, they should be reviewed for level of program performance. The traffic courts program elements should include:

A. Judicial administration and supervision.

The highest judicial authority within a State should be responsible for administering and supervising all courts within the State including those having jurisdiction over traffic offenses.

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Therefore, the establishment and funding of an office of State court administration within a Statewide judicial system should be considered.

B. State court administrator.

There should be a full-time State court administrator. The court administrator should be able to effectuate the assignment of existing court facilities and court personnel so as to ensure reasonable availability of court services for all alleged traffic offenders. If such an office already exists and is staffed with a State court administrator, it may be desirable to provide additional funding for personnel to specifically supervise and administer traffic courts.

C. Uniform rules of procedure governing traffic cases.

The development and adoption of uniform rules of procedure governing traffic cases should be considered by the highest judicial authority in the State. Assistance for this endeavor should be obtained through the appointment of special study committees and with the cooperation of the State and local bar associations and individual judges and prosecutors as may be necessary and desirable.

D. Court facilities and other operating quarters.

The State should ensure reasonable availability of court services for alleged offenders of traffic laws, including regularly assigned court facilities and other operating quarters.

E. Selection, qualifications, and availability of traffic court personnel.

The State should promote reasonable availability of qualified court personnel to assure that traffic cases will be processed in accordance with the best principles of the administration of justice. Where personnel are inadequate, the State court administrator should be authorized to obtain appropriate and adequate personnel.

F. Manuals and guides.

The highest judicial authority in the State should develop manuals and guides for administration, court procedure, and

accounting, including guidelines for funds budgeted, funds expended for court operation, and revenue collected from fines, forfeitures or other receipts. Professional assistance as may be desirable or available, either within or without the State, should be utilized in the development of the manuals and guides.

G. Mandatory personal court appearance.

Where permitted by State constitution, the highest judicial authority in the State should have the authority to prescribe, and should prescribe, those traffic violations which are to be considered as moving hazardous traffic violations for the purpose of requiring personal appearance in court. In developing guidelines, those traffic violations deemed moving hazardous traffic violations by the International Association of Chiefs of Police should be used.*

H. Failure to appear.

The highest judicial authority in the State should prescribe by rule the procedure to be followed when a person fails to appear in court after having been charged with a moving violation. "Failure to appear" includes all cases where the violator ignores the requirement for a mandatory court appearance; and, in all nonmandatory court appearance cases, the requirement to pay a fine or post bail for subsequent forfeiture. The State should consider the development and implementation of a plan:

1. To prevent a person charged with a moving violation from failing to appear in court, with a resultant forfeiture of bail, by considering the following steps:

   a. Treatment of failure to appear, or forfeiture of cash or other security deposit or bail, as the equivalent of a conviction for purposes of taking action against a driver's license.

*The minimum acceptable list of mandatory personal court appearance violations should be that contained in National Conference of Commissioners on Uniform Laws, Model Rules Governing Procedures in Traffic Cases (1957).

b. Acceptance of pleas of "nolo contendere," where permitted, as equivalent to conviction for this purpose.

c. A requirement that a warrant of arrest be issued where such defendant fails to appear, thereby ensuring that every effort will be made to secure his appearance in court. All possible provisions should be made to serve all such warrants promptly.

2. Whereby appropriate action is taken in the form of withholding issuance or renewal of license, if a person has failed after a reasonable time interval to answer a summons or ticket charging him with a moving traffic violation. This system should include the requirement of notification by the court to the driver licensing agency until court appearance is made.

3. To ensure by appropriate legislation, by individual compact with other jurisdictions, or by participation in the Non-resident Violator Compact* that when a person fails to answer a summons charging a moving traffic violation in a State other than the State of residence, his "home State" license can be suspended until proper appearance or disposition of the original charge has been made. Similar action is provided for in the recent revision of the Uniform Vehicle Code.

I. Certification of prior convictions.

To afford traffic court judges sufficient flexibility in sentencing so that an adequate corrective penalty can be imposed on each violator, the State should ensure that upon request from courts within the State trying traffic cases the State driver licensing agency transmits promptly certification of prior convictions of that traffic law offender. **

*This is a proposed model interstate compact developed by the Council of State Governments.

**For further discussion of reporting procedures, see Volume 5, Driver Licensing, Chapter VII.

J. Range of available penalties.

The range of penalties available to traffic courts within the State should be examined in developing a traffic courts program. A determination should be made as to whether or not they are adequate to correct and educate violators. The laws should provide adequate and meaningful minimum and maximum penalties for each traffic offense and should afford sufficient flexibility in sentencing to traffic judges. A traffic courts program with such flexibility should include:

1. The use by traffic court judges of either a court- or other agency-supervised driver improvement school, including those cases where the authority of the State to make referral thereto is not specifically permitted by statute. *

2. The availability of probation services.

K. Reporting convictions for moving traffic violations.

Each traffic court within the State should be required, under penalty, to transmit to the State driver licensing agency within a reasonable time the following reports:

1. A notification of any person whose bail is forfeited after having been charged with a moving traffic violation.

2. A report of the conviction of any person for a moving traffic violation, regardless of whether he is a resident or nonresident, or a licensee in the State or another State.

   a. Consistent with the needs of the State traffic records system and for the purpose of uniformity in reporting, the State court administrator, in consultation with the head of the State driver licensing agency, should prescribe the form of the report. **

*See Volume 5, Driver Licensing, Chapter IV.

**For further discussion of reporting procedures, see Volume 5, Driver Licensing, Chapter IV, and Volume 10, Traffic Records.

b. This form may be incorporated into any Statewide uniform traffic ticket and complaint. Preferably, a report of conviction should be contained in one of the copies of the uniform traffic ticket and complaint.

3. Where permitted, a report of the action of the court in suspending or revoking a driver's license or nonresident privilege. (If the license has been physically taken from the licensee, it should be transmitted with the report.)

L. Reporting judicial statistics.

The highest judicial authority in the State, through the State court administrator, should undertake and prescribe the forms and reports which will provide appropriate judicial statistics on the work of the courts.

1. Each court trying traffic cases in the State should prepare and submit annually to the State court administrator a summary of traffic cases including, but not limited to, the following report elements:

   a. The number of cases pending at the commencement of the year and at the end of the year.

   b. The number of cases filed in the court (during the period covered by the report) charging persons with moving traffic violations.

   c. The number of cases resulting in dismissals or acquittals; convictions, with types of penalties imposed; and failures to appear, including bail forfeitures.

   d. The level of warrant activity.

   e. The number of jury trials, if any, demanded, tried, or pending.

2. The State court administrator should be responsible for collecting, collating, and publishing judicial statistics related to the work of traffic courts.

   a. The court administrator should include these judicial statistics in an annual report on the State court system.

b. The annual report should be distributed to the State traffic records system, to each court in the State trying traffic cases, to the Governor's Representative/program manager, and, if necessary or desirable, to the appropriate Regional National Highway Traffic Safety Administrator.

M. Traffic court finances.

All courts trying traffic cases in a State, as well as all of its personnel, should be financially independent from any fee system, fines, costs, or other revenue resulting from processing violations of traffic laws. In addition, the State should ensure that effective uniform accounting procedures regarding the collection of fees, fines, and costs be implemented for each traffic court.

N. Judicial education.

Appropriate steps should be taken to provide prompt and adequate training for all personnel, judicial and otherwise, assigned to the traffic courts. Training for all judges who adjudicate traffic cases should be mandatory. The State should:

1. Establish a training course for traffic court judges which can be either separate from, or a part of, a regular training course for judges of other types of courts, or

2. Arrange for attendance at appropriate training courses already established.

   a. This program should be required for all new traffic court judges and should be both regularly and periodically available to and required of all traffic court judges.

   b. This training should also be made available to and required of prosecutors, court clerks, and administrative personnel assigned to traffic courts.

O. Penalties

When a State contains an excessive number of judicial jurisdictions with authority to impose different penalties for the

same traffic offenses, the State court structure should be examined with the aim of alleviating such a condition.

III. IMPLEMENTATION OF TRAFFIC COURTS PROGRAM

The assessment of needs by the State and the subsequent development of a traffic courts program may reasonably be expected to require implementation through constitutional revision, legislative action, or the promulgation of rules of court. Illustrations of these requirements are:

A. In order to eliminate a fee system, it may be necessary to undertake constitutional revision, legislative enactment, or a combination of the two.

B. The adoption of an adequate and flexible range of penalties for courts trying traffic cases may require legislative action as well as promulgation of rules of court.

C. Although the position of State court administrator may be authorized, it may be vacant because of lack of necessary appropriations to staff the office.

D. The authority to draft and adopt uniform rules of procedure governing traffic cases may require constitutional revision, legislative action, or a combination of the two.

E. The Governor's Representative/program manager should, in cooperation with a high State court, driver licensing and enforcement officials, assist in the development of a clearly stated statewide policy on the management and enforcement of driver license denials (license withdrawals, suspensions, revocations, and cancellations). Legislation may be necessary to establish this cooperative effort. In those States with Mayor Courts a policy should also be developed aimed at the abolishment of these courts.

IV. ADDITIONAL PLANS TO ACHIEVE EFFECTIVE TRAFFIC COURTS

The plans suggested for the development of an effective traffic court system should not be a deterrent to any other improvements as may be reasonably calculated to achieve not only greater uniformity of legislation, court rules, and judicial decisions within

the State and among the several States but also to advance prompt and impartial adjudication of proceedings involving alleged offenders of traffic laws. Therefore, the State should develop and implement such additional plans as may be necessary or desirable for achieving the purpose of the Standard.

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Par. I. Introduction
II. Purpose of Evaluation
III. Evaluation Criteria
IV. Recommended Evaluation Procedure

I. INTRODUCTION

An evaluation of the traffic courts system should be considered an inherent part of any plans for the development and implementation of a traffic courts program. Program evaluation is, therefore, an essential activity to be accomplished through the incorporation of specific procedures to determine program status and needs.

II. PURPOSE OF EVALUATION

The Governor's Representative/program manager should be responsible for ensuring that the State evaluate annually its traffic courts program and determine present status as well as the degree of progress toward achieving more effective traffic courts. An evaluation by the State of the current status of its traffic courts is essential to establishing present program requirements and to formulating program priorities.

III. EVALUATION CRITERIA

The traffic courts program should be evaluated regularly to ascertain whether program objectives are being realized. The criteria established by the State for a meaningful evaluation of the effectiveness of its traffic courts program should include at least those factors and measures of program effectiveness, including both qualitative and quantitative measures, which have been incorporated

into a basic traffic courts inventory format. The guidelines of the inventory format, which are based on the guidelines for program development and operations discussed in Chapter IV, paragraph 2, of this volume, include the following questions for review.

A. Study of courts trying traffic cases.

1. Has a previous study been made? When? By whom?

2. Is there a study in progress? Estimated completion date? By whom?

3. Is there a study contemplated? When? By whom?

4. Did any previous study, does a current study, or will a contemplated study include the suggested study elements outlined in Chapter IV of this volume of the Manual?

B. State judicial system.

1. Are the courts trying traffic cases an integral part of the State judicial system?

2. Are the courts trying traffic cases State courts or local courts?

3. Are the courts trying traffic cases courts of record?

4. Are appeals by trial de novo or on the record?

5. Are traffic courts under the supervision and administration of the highest judicial authority?

C. State court administrator.

1. Is there an office of State court administrator?

2. If not, is there authority to create such an office?

3. If there is an office, does it have the responsibility to supervise and administer traffic courts?

4. If an office does have the responsibility, does it exercise supervision and administration over traffic courts?

D. Uniform traffic court rules.

1. Have Statewide uniform rules to govern procedures in traffic cases been adopted? By whom?

2. If not, how is procedure regulated?

3. Do these rules provide for a uniform traffic complaint and ticket?

E. Court facilities.

1. Is each traffic court furnished with adequate judicial facilities?

2. If not, are plans being made to provide such facilities?

3. Is the budget responsibility for providing such facilities that of State or local government?

4. Has the State court administrator promulgated minimum facilities standards?

F. Court personnel.

1. Is each traffic court staffed by adequate judicial, prosecutional, clerical, and administrative personnel?

2. If not, are plans in progress to remedy any of the deficiencies?

3. Is the budget responsibility for providing such facilities that of State or local government?

4. What qualifications are required for such court personnel?

5. Are the judges selected on a nonpartisan basis?

6. Do the judges serve full time? If not, are they available when needed?

7. Does the amount of compensation for a judge depend on a fee system?

G. Manuals and guides.

1. Does the State provide the courts with a manual on procedure?

2. Does the State provide the courts with a manual on administration?

3. Does the State provide the courts with a manual on accounting?

4. If not, what steps are being taken to provide these three manuals?

H. Mandatory court appearance.

1. Do all traffic courts require all persons to appear personally in court when charged with moving hazardous traffic violations?

2. If not, what is the present policy on mandatory court appearances?

I. Failure to appear.

1. Is the procedure following failure to appear prescribed by the rules of procedure?

2. Are warrants of arrest promptly issued and served?

3. Are steps taken to initiate action against a driver's license in such cases?

J. Certification of prior convictions.

1. Before traffic cases charging moving traffic offenses are scheduled for court, do traffic court judges, as a means of affording sufficient flexibility in sentencing, request the State driver licensing agency to promptly transmit certification of prior convictions?

2. If not, what is the present policy on requesting the State driver licensing agency to transmit certification of prior convictions?

K. Range of available penalties.

1. Do the courts have a flexible range of penalties available to them as well as other corrective action?

2. Does the range of penalties increase for second and subsequent traffic offenses?

3. Are the increased penalties actually imposed?

4. Where mandatory penalties are prescribed, do the courts consistently impose them? If not, what action, if any, is taken?

L. Reporting convictions for moving traffic violations.

1. Are reports of the following actions made by the courts transmitted to the State driver licensing agency: convictions as well as bail forfeitures, failures to appear, and any license action taken directly by a court?

2. If the court is authorized to take any license action, does it report such action to the State driver licensing agency?

3. Are reports made in the form required by the State traffic records system?

M. Reporting judicial statistics.

1. Does the highest judicial authority require periodic statistical reports on the work of each court?

2. Does the State court administrator collect, collate, and publish judicial statistics pertaining to the traffic courts?

3. Does each court make a comprehensive report of the financial aspects of its operation including receipt and disposition of:

   a. Fines, costs, and bail forfeitures?

   b. The operating funds of each court?

N. Judicial education.

1. Is there a provision for an annual mandatory traffic court conference?

2. What court personnel are required to attend?

3. Are all expenses for participation paid or reimbursable? Does this include traffic court conferences held outside the State?

O. Penalties.

Does a multiplicity of jurisdictions exist under the State court Structure? Is there a clear stated statewide policy on the management and enforcement of driver license denials?

IV. RECOMMENDED EVALUATION PROCEDURE

Since measurement of the effectiveness of a traffic courts program is basically a process of comparing the current status or achievement to a predetermined level of performance, such as the program needs of the suggested comprehensive traffic courts plan set forth in Chapter IV, paragraph 2, of this volume, the State should evaluate annually the progress of its program as follows:

A. Measure of program progress.

The State, following the guidelines suggested as factors to consider and criteria to use in program evaluation, should make a definitive evaluation of what has been accomplished and what needs to be done to achieve the purpose of the Standard as well as determine which approaches had a significant relationship to program success.

B. Evaluation procedures.

The State should consider the following evaluation procedures in determining the effectiveness of its traffic courts program:

1. Responsibility for program evaluation.

The State should assign responsibility to the Governor's Representative/program manager for ensuring that regular

evaluations of the traffic courts program will be conducted. The highest judicial authority, the State court administrator or other appropriate sources should consult with the Governor's Representative/program manager and periodically furnish to him a report delineating the status of the State traffic courts system as well as any progress in program development.

2. Program information from inventories.

The State should consider the initial and subsequent annual traffic court inventories as the basic compilation of information required for program evaluation. Through mutual cooperation among the highest judicial authority, the State court administrator, and the Governor's Representative/ program manager in the conduct of these inventories, the State should identify the existence or nonexistence of desirable program characteristics as well as the nature and significance of material differences between present traffic court procedures or characteristics and the guidelines set forth for a comprehensive traffic courts plan in Chapter IV, paragraph 2, of this volume.

3. Comparative analysis of inventories.

The initial and subsequent annual inventories prepared by the State to describe its traffic court system should be considered the comparative elements for both a qualitative and quantitative analysis to determine the extent of progress toward achievement of the purpose of the Standard. Whenever practicable, program evaluation should follow the sequence of sections outlined in the inventory format.

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Par. I. Program Information Requirements
II. Reports on Traffic Courts
III. Reports on Program Evaluation
IV. Reports to National Highway Traffic Safety Administration

I. PROGRAM INFORMATION REQUIREMENTS

Meaningful program information is required to determine present status as well as actual progress toward achievement of the objectives of the traffic courts program. Such information requirements should be incorporated into program reports prepared by the Governor's Representative/program manager in cooperation with the highest judicial authority in the State, the State court administrator, and other appropriate sources.

II. REPORTS ON TRAFFIC COURTS

The State should prepare initial and subsequent annual reports on the status of its traffic courts. These reports should be prepared to meet certain administrative requirements and to foster achievement of the objectives of a comprehensive traffic courts program.

A. Initial report.

The Governor's Representative/program manager should be responsible for ensuring that an initial report be made setting forth the current status of the traffic courts program as well as that of the courts in the State trying traffic cases. The initial report should:

1. Be prepared by the Governor's Representative/program manager who should cooperate with and be able to obtain

all necessary information for the report from the highest judicial authority in the State, the State court administrator, or other appropriate sources.

2. Wherever practicable, in summarizing and listing traffic court needs, follow the series of measures of program effectiveness incorporated in the basic traffic court inventory format described in Chapter V, paragraph 3, of this volume.

B. Annual report.

The initial report should be updated annually and cumulatively by the Governor's Representative/program manager through liaison with the highest judicial authority in the State, the State court administrator, and other appropriate sources. The annual report should contain information about steps taken since preparation of the previous report to achieve the purpose of the Standard as well as a comprehensive index of program development. Specifically, each annual report should reflect:

1. Constitutional revisions.

2. Statutory changes.

3. Procedural rules amended or adopted.

C. General information reports.

As a supplement to the initial and annual reports on traffic courts, the State is encouraged to:

1. Prepare general information reports on the status and progress of its traffic courts program, including additional plans designed to achieve the purpose of the Standard.

2. Consider distribution of such reports, as well as the initial and annual reports on traffic courts, to achieve or maintain an effective traffic courts program. The individuals, groups, organizations, and agents of government that may assist in achieving the purpose of the Standard should be given consideration by each State in formulating distribution lists. This list should include, at least, the:

a. Highest judicial authority.

b. State court administrator.

c. Judicial council.

d. Judicial conferences or organizations.

e. State and local bar associations.

f. Judges and prosecutors.

g. Appropriate committees of the State legislature.

III. REPORTS ON PROGRAM EVALUATION

As an intrinsic part of its reporting procedures, the State should prepare evaluation reports on the status and needs of its traffic court system as described in Chapter V, paragraph 3, of this volume. Such reports should:

A. Include information on whether program objectives are being realized and whether program implementation is proceeding on schedule.

B. Identify program adjustments and determine program priorities.

IV. REPORTS TO NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In order to facilitate coordinated program planning, the National Highway Traffic Safety Administration intends to request information on the State traffic courts program. The information should include, but not necessarily be limited to, that included in the following reports:

A. Initial report on traffic courts.

B. Annual report on traffic courts.

C. Reports on program evaluation.

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III. Local Traffic Courts Plans

I. PARTICIPATION BY LOCAL AUTHORITIES

Depending upon the court structure of a given State, the success of any plans designed to maintain or achieve an effective traffic courts system is to a high degree dependent on voluntary and effective local government action. Therefore, every local government having a traffic court whose jurisdiction encompasses such political subdivision should cooperate and participate in the development and implementation of plans to achieve the purpose of the Standard.

II. LOCAL TRAFFIC COURTS STUDY

The governing body of each local government having a traffic court should undertake, in coordination with the Statewide study, a special study of its traffic courts to determine the extent of its needs necessary to achieve the purpose of the Standard.

A. Wherever appropriate, such a study should parallel the format of both the traffic courts study and the comprehensive traffic courts plan set forth in Chapter IV, paragraphs 1 and 2, respectively, of this volume.

B. Following an analysis of the findings of the study, each political subdivision should:

1. Prepare reports describing the current status of local traffic courts and any progress toward, as well as any

plans for, achieving implementation of each of the program needs of the comprehensive traffic courts plan.

2. Distribute such reports to, at least, the:

   a. Highest judicial authority in the State.

   b. State court administrator.

   c. Governor's Representative/program manager.

   d. Appropriate local officials.

   e. Responsible representatives of interested private organizations and official organizations representing local authorities.

III. LOCAL TRAFFIC COURTS PLANS

The participation of political subdivisions within the State is essential to the success of all program efforts and activities directed to ensuring that traffic courts are an effective part of the overall State court system.

A. The importance of the local aspect of reporting convictions, reporting license action, and furnishing judicial statistics has been indicated in Chapter IV, paragraph 2, and Chapter VI, paragraph 1, of this volume.

B. Wherever appropriate, local governments should be encouraged to participate in the program in several fields, including the following:

   1. The governing body of each political subdivision should make available and provide for the maintenance of proper court facilities for the traffic court whose jurisdiction encompasses such political subdivision.

   2. Each political subdivision should provide sufficient funds to retain a competent prosectuor for each traffic court to prosecute both State and local offenses.

   3. Adequate and qualified judicial, prosecutional, clerical, and administrative personnel to serve each traffic court should be provided by each local government.

4. The governing bodies of political subdivisions within the State should make adequate provision to pay the expenses of traffic court judges, prosecutors, and clerical and administrative personnel incurred in connection with the attendance of such personnel at training courses referred to in Chapter IV, paragraph 2N, of this volume.

5. Each traffic court should promulgate written rules for the orderly conduct of proceedings in such local court, not inconsistent with Statewide rules of procedure adopted by the highest judicial authority in the State.

6. Sufficient funds to cooperate in or establish and maintain either a court- or other agency-supervised driver improvement school should be appropriated by each local government.

7. Adequate funds should be furnished for the operation of a probation department to assist in the supervision and rehabilitation of traffic law offenders.

APPENDIX A

HIGHWAY SAFETY PROGRAM STANDARD 7

TRAFFIC COURTS

PURPOSE

To provide prompt impartial adjudication of proceedings involving motor vehicle laws.

STANDARD

Each State in cooperation with its political subdivisions shall have a program to assure that all traffic courts in it complement and support local and Statewide traffic safety objectives. The program shall provide at least that:

I. All convictions for moving traffic violations shall be reported to the State traffic records system.

II. Program Recommendations: In addition the State should take appropriate steps to meet the following recommended conditions:

A. All individuals charged with moving hazardous traffic violations are required to appear in court.

B. Traffic courts are financially independent of any fee system, fines, costs, or other revenue such as posting or forfeiture of bail or other collateral resulting from processing violations of motor vehicle laws.

C. Operating procedures, assignment of judges, staff, and quarters ensure reasonable availability of court services for alleged traffic offenders.

D. There is a uniform accounting system regarding traffic violation notices, collection of fines, fees, and costs.

E. There are uniform rules governing court procedures in traffic cases.

F. There are current manuals and guides for administration, court procedures, and accounting.

APPENDIX B

GLOSSARY OF DEFINITIONS

This glossary defines those terms whose meanings may be unclear in the context in which they are used. These definitions are meant to apply only to the usage of these terms in this volume.

Acquittal - A finding by a court, after a trial, that the person accused is not guilty of the offense charged.

Administrator (of Courts) - The individual responsible for carrying out the administrative policies of the highest judicial authority in the State. His duties include, but are not limited to, the formulation of recommendations for improvement of the judicial system; the examination of business methods and systems used in the offices relating to courts in the State; the collection and compilation of statistical data on the judicial work of the courts and their expenditures and receipts, the publication of periodic reports, and the preparation of budget estimates of appropriations necessary for the maintenance and operation of the judicial branch; consultation with and assistance to the clerks and other personnel of the courts; the investigation of complaints with respect to the operation of the courts and the making of such recommendations as may be appropriate; the preparation and publication of an annual report on the work of the courts; and such additional duties as may be assigned to him by the highest judicial authority in the State as may be necessary to carry out Statewide judicial supervision and administration.

Bail - A sum of money, a surety bond, or other collateral deposited to secure the appearance in court of a person accused of a violation.

Clerk (of Court) - An officer of the court who is responsible to and acts as administrative assistant to the judge. His functions include, but are not limited to, the keeping of court records, the issuance of warrants or summons, the entering of judgments and orders, and the administration of oath.

Conviction - The result of a court proceeding wherein the judgment of the court is that the person accused is guilty of the offense charged.

Court of Record - A court so designated by constitution or statute. It also includes courts from which appeals are taken on the record rather than by trial de novo.

Dismissal - An order of the court terminating a case other than by acquittal or conviction.

Driver License - Any license or permit to operate a motor vehicle. This also includes temporary licenses and permits and privileges of any person to operate a motor vehicle whether or not such person holds a valid license.

Fee System - A system whereby funds for the operation of the court, or the compensation of the judge or other personnel of the court, depends on fines, court costs, or other revenue such as posting or forfeiture of bail or other collateral arising from court cases.

Forfeiture - The losing of bail posted by, or on behalf of, a person accused of an offense.

Moving Traffic Violation - Violation of a traffic law committed while operating a motor vehicle.

Moving Hazardous Violation - A moving traffic violation which, experience has shown, contributes to traffic accidents. (Almost any "moving" violation is also a "moving hazardous" violation.)

Nolo Contendere - From the Latin "I will not contest it." The name of a plea, in a criminal action, whereby the person accused admits the facts alleged.

Prosecutor - An attorney whose function and duty it is to present a case in court on behalf of the State, or political subdivision thereof, involving a violation of traffic or other penal laws.

Standard - Highway Safety Program Standard 7 relating to traffic courts.

Summons - An order requiring a person accused to appear in court at a specified time and answer charges.

Ticket (traffic ticket) - A document or paper, usually prepared by a police officer at the time of his stopping the driver of a motor vehicle for an alleged traffic violation, containing a direction to the driver to appear in court to answer the charge specified.

Traffic Case - Legal proceeding to determine the guilt or innocence of a person charged with a traffic offense.

Traffic Court - Any court, regardless of its name, which has authority to hear, determine, and adjudicate a traffic case.

Traffic Judge - Any person, regardless of his title, who presides over a traffic court.

Traffic Law - A law, ordinance, rule, or regulation enacted by the State or political subdivision thereof relating to the operation, licensing, and registration of motor vehicles.

Traffic Offense - Violation of a traffic law.

Uniform Traffic Ticket and Complaint (or Uniform Traffic Complaint) - A form approved by the American Bar Association, the National Conference of Commissioners on Uniform State Laws, and other groups for use in citing persons into traffic court; it being a combination of legal complaint and directive to the accused to appear in court, and furnishing the foundation for accountability for the issuance of citations and the disposition of cases.

Warrant - An order issued by a court and signed by a judge, directing a peace officer to arrest and bring before the court a person accused of an offense.

APPENDIX C

REFERENCES

The following is a selected list of recognized authoritative references which may be helpful in implementing the program specified in this volume of the Manual. This list is not meant to be a bibliography of all documents in this field.

American Bar Association. State Traffic Court Inventory (1968). American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637.

> This is an inventory recently prepared by the American Bar Association for the purpose of assisting a State in ascertaining the status of its traffic courts program. It contains an outline of factors closely related to the Standard. This inventory guide is available to the Governor's Highway Safety Representative as well as appropriate government officials and responsible representatives of interested private organizations.

American Bar Association. Traffic Court Procedures and Administration (1961). American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637.

> This book was written to assist judges, prosecutors, and other traffic court officials - whether new or experienced - in reaching sound conclusions about the operations of traffic courts. It covers procedure before and during trial and steps required after a judge has rendered his decision as to guilt or innocence. While it does not cover evidence or trial aspects, it does cover all other phases of court operation, especially the nonjudicial aspects.

Council of State Governments, Nonresident Violator Compact. Council of State Governments, 1313 East 60th Street, Chicago, Illinois 60637.

> This is a proposed model statute under which a State agrees to take action against the driver license of a resident who fails to respond to a summons issued for moving violations in other States which have also enacted the same statute.

International Assocation of Chiefs of Police. Revised Classification of Hazardous and Other Traffic Violations (1964). International Assocation of Chiefs of Police, 11 Firstfield Rd., Gaithersburg, Md. 20760.

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This list was approved by the I. A. C. P. October 27, 1964. It is keyed to the sections in the Uniform Vehicle Code. Its use is designed to achieve uniformity in traffic violation records and reports.

National Conference of Commissioners on Uniform State Laws. Model Act to Provide for an Administrator for State Courts (1960). National Conference of Commissioners on Uniform State Laws, 1155 East 60th Street, Chicago, Illinois 60637.

This model act outlines the authority for establishing this office, specifies the duties which could be performed by this office, and requires compliance with all requests for information and statistical data pertaining to the courts and their maintenance and operations.

National Conference of Commissioners on Uniform Laws, Model Rules Governing Procedure in Traffic Cases (1957). National Conference of Commissioners on Uniform Laws, 1155 East 60th Street, Chicago, Illinois 60637.

These rules represent a new technique which, if adopted with a minimum of variation at the State level, automatically become uniform. This is a minimum set of rules which will provide an excellent guide to any State undertaking the task of preparing uniform rules governing procedures in traffic cases.

Ohio, State of, Supreme Court. Rules of Practices and Procedures in Traffic Cases (December 4, 1967). Supreme Court, Columbus, Ohio 43215.

This is a recent effort at adapting the model rules to the needs of a particular State.

Publications

Exotech Systems, Inc., Improving the Enforcement of Driver License Denials, Suspensions, and Revocations, prepared for NHTSA, DOT, under Contract No. FH-11-7283.

Roger C. Cramton, Driver Behavior and Legal Sanctions: A Study of Deterrence, Michigan Law Review, volume 67, Nov-Feb 1968/69, p. 421.

Ward v. Village of Monroeville, 93 S. Ct. 80 (1972).

(It is a violation of the Due Process Clause of the Fourteenth Amendment for Mayors to try traffic offenders.)

APPENDIX D

REPRESENTATIVE PROJECTS

The following projects are intended to illustrate specific program activities that would materially assist in achieving the purpose of the Standard.

1. Statewide survey of traffic courts, facilities, jurisdiction, and caseload.

2. Establishment of Statewide traffic court administration.

3. Appointment of field personnel to supervise and coordinate work of all traffic courts on a Statewide basis.

4. Preparation of manual of procedures for traffic cases.

5. Preparation of manual of administration of traffic courts.

6. Preparation of manual of accounting for traffic courts.

APPENDIX E

RESOURCE ORGANIZATIONS

This list is limited to organizations maintaining a staff that has had actual experience in performing the program tasks described in this volume of the Manual.

American Bar Association
Traffic Courts Program
1155 East 60th Street
Chicago, Illinois 60637

National Highway Traffic Safety Administration
Washington, D. C. 20590

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